S.B.CIVIL WRIT PETITION NO.96/2006

Satish Kumar Nagpal
v.
State of Raj.& Ors.

Date of Order :: 6th March, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr.V.K.Sharma, for the petitioner.

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By memorandum dated 4.5.2004 the disciplinary authority i.e. the Collector (Land Records), Sriganganagar while exercising powers under Rule 16(2) of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (hereinafter referred to as "the Rules of 1958") called upon the petitioner to submit explanation with regard to charges on basis of which an inquiry was proposed to be held. The petitioner by communication dated 24.10.2004 denied the allegations and made a request to drop the proceedings. The disciplinary authority appointed Sub Divisional Officer, Sriganganagar as inquiry officer to inquire into the allegations levelled against the petitioner under memorandum dated 4.5.2004.

The instant petition for writ is preferred by the petitioner giving challenge to the order passed by the inquiry officer to call Deputy Collector

(Irrigation), Hanumangarh as witness after conclusion of the prosecution evidence.

According to counsel for the petitioner in inquiry the prosecution evidence has already been concluded, therefore, now there is no occasion to call Deputy Collector (Irrigation), Hanumangarh in witness box. The petitioner has alleged violation of provisions of Rule 16(6) of the Rules of 1958 and, therefore, prayed not to take on record the statement given by the Deputy Collector (Irrigation), Hanumangarh.

Heard counsel for the petitioner.

The petitioner is facing disciplinary proceedings under Rule 16 of the Rules of 1958 and the inquiry is going on from last about more than a year. I do not consider it appropriate to interfere in the matter at this stage as if any material error occurs while holding proceedings under Rule 16 of the Rules of 1958, it shall be open for the petitioner to point out the same while giving challenge to the final order passed by the disciplinary authority before the appellate authority if any such occasion arises. The petitioner shall be having an opportunity to challenge final order if any passed against him on the ground which is taken in the instant petition for writ. No interference, therefore, is required at this stage.

The writ petition is dismissed accordingly.

(GOVIND MATHUR),J.

kkm/ps.